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Federal Communications Commission
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June 15, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: MM Docket No. 99-325

Dear Ms. Dortch:

On behalf of Community Radio for Northern Colorado, licensee of KUNC-FM, Greeley, CO, I am writing in response to the Federal Communications Commission's Further Notice of Proposed Rulemaking in this proceeding. KUNC is a Class C FM station broadcasting at 91.5 MHz. Although KUNC has not yet commenced digital broadcasts using iBiquity Digital Corporation's HD Radio™ system, the station is in the process of converting to digital operation and plans to begin digital service within the next eight weeks. KUNC is pleased to have the opportunity to bring the innovations offered by HD Radio technology to listeners in northern Colorado.

Community Radio for Northern Colorado dba KUNC-FM strongly supports the FCC's efforts to promote the adoption of digital radio and to develop final rules for digital service. Although the existing interim rules for digital broadcasts have allowed pioneering stations such as KUNC to commence service, the rollout of HD Radio is sufficiently advanced to warrant a prompt implementation of permanent IBOC rules. Community Radio for Northern Colorado believes that digital broadcasts will bring significant benefits to KUNC's listeners.

Our decision to convert to digital technology has been based on a number of considerations. First and foremost we believe doing so enhances our public service to the listening community of northern Colorado. The combination of clarity of the signal, enhanced data services, and the possibility of offering additional programming streams have been critical factors in our decision making progress.

Issues with multi-pathing as a result of the topography of Colorado's front range have long been a topic of discussion with listeners and prospective listeners. We believe that digital radio technology will finally allow us to offer a full quality signal in our service area. As a service which is heavily focused on local programming and service to the listening audience having a quality signal is critical.

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While we believe your greatest strengths are found in the local programming emphasis combined with the quality of national public radio programming, we recognize the competition of satellite radio for our listener's attention. Being able to compete on an even technological playing field is critical to our future service objectives.

It should be noted we have been receiving inquiries from the KUNC listening audience for several months now asking when digital service would become available through the station. Consumer interest is building and quickly moving forward with the resolution of regulatory issues will address issues of importance to the general public.

KUNC encourages the FCC to take several steps in this proceeding to foster the digital conversion for radio. Community Radio for Northern Colorado supports the FCC's proposal to adopt final technical and operational rules for the digital service. The designation of IBOC service as a permanent authorization rather than an interim service will provide greater regulatory certainty for broadcasters and equipment manufacturers and encourage adoption of digital technology.

The Commission also should promote policies that provide broadcasters and receiver manufacturers with the flexibility necessary to fully realize the benefits of HD Radio technology. The Commission's rules on digital service should not impose greater burdens on the digital broadcast than currently exist for analog broadcasts. An overly regulatory approach will discourage widespread adoption of the technology. The test results presented to the broadcast industry over the past several years have demonstrated that IBOC presents little risk of widespread interference to existing analog broadcasts. Community Radio for Northern Colorado's experience with KUNC has confirmed IBOC's ability to operate efficiently and without interference. In this environment there is no need for the FCC to unduly burden the digital broadcast with detailed regulations.

The FCC recently authorized FM stations operating digitally to use a separate antenna implementation for their digital signal. Community Radio for Northern Colorado encourages the Commission to write its final IBOC rules to permanently provide broadcasters flexibility to implement IBOC in the most effective manner available for each station. The Commission should use its existing equipment certification procedures to regulate the broadcast equipment used for digital broadcasts but should not burden the radio industry with a requirement that every innovation in HD Radio implementation receive prior Commission authorization. It is likely that the first several years of station implementations will see many innovations and improvements in digital operations. All stations that are able to take advantage of these innovations should have that opportunity without the need for Commission authorization on a station by station basis.

The Commission's Further Notice asks questions about new datacasting and multicasting services that can be introduced using HD Radio technology. Community Radio for Northern Colorado supports the development of FCC rules to provide broadcasters great latitude in the introduction of new audio and data services. Broadcasters should be authorized to use scaling of the audio codec and the system's extended hybrid mode to introduce new audio and data services that can co-exist with a station's main

program audio service. The HD Radio system includes tremendous flexibility for broadcasters to develop innovative new services. Over regulation of this technology at the early stage of its implementation will stifle the development of innovative services that will benefit listeners. In this regard, the Commission should authorize stations that are able to develop useful services to offer subscription based services that may promote faster adoption of digital technology.

Community Radio for Northern Colorado would oppose any attempt to impose fees for broadcaster datacasting or multicasting services, even if offered on a subscription basis. Unlike the situation for the digital television conversion, the FCC has not allocated additional spectrum for radio broadcasters to accommodate the new digital signal. In the case of digital television, Congress and the FCC justified imposing fees on new services offered in conjunction with the digital television signal based on the allocation of additional spectrum for each broadcast. In the case of radio, where there has been no new spectrum, the FCC should not impose fees on ancillary services that are supported by the HD Radio system. The FCC currently authorizes subsidiary communication services that operate with existing analog FM without charging broadcasters for the opportunity to offer these services. There are no fees imposed even for subscription SCA services. The datacasting and multicasting features of the HD Radio system are digital upgrades to existing SCA services and should not give rise to a new class of fees that would unfairly burden the digital service for offerings that are analogous to current analog services.

Community Radio for Northern Colorado appreciates the opportunity to offer its views on the Commission's proposals and encourages the FCC to expedite its completion of its IBOC rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "NEBEST", written in a cursive, stylized manner.

Neil E. Best
General Manager
Community Radio for Northern Colorado